

Remarks:

Applicant has carefully studied the non-final Examiner's Action mailed 06/17/2008, having a shortened statutory period for response set to expire 09/17/2008, and all references cited therein. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings and numbered paragraphs that correspond to the centered headings and paragraph numbering employed by the Office, to ensure full response on the merits to each finding of the Office.

Elections/Restrictions

1. Applicant acknowledges the withdrawal of claims 1-10.

Claim Rejections – 35 U.S.C. § 112

1. (second occurrence) Applicant acknowledges the quotation of 35 U.S.C. § 112, second paragraph.

2. Claims 13 and 17-22 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

3. Claims 13, 17, and 18 lack antecedent basis for the limitation "said actuator means." Cancellation of claim 18 has rendered moot this ground of rejection as it relates to said claim. This ground of rejection as it relates to claims 13 and 17 is met by amending claims 13 and 17 so that they depend from claim 12.

Claim Rejections – 35 U.S.C. § 102

4. Applicant acknowledges the partial quotation of 35 U.S.C. § 102(b).

5. Claims 11-12, 17, and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hirota et al. (hereinafter "Hirota"). Reconsideration and withdrawal of this ground of rejection is requested because, as the Office astutely observes, Hirota teaches that the pH-reducing agent is flushed out of the electrolytic cell and not into the main body of water as claimed by Applicant. Claim 18 is therefore cancelled and the limitations of claim 18 are added to those of independent claim 11 to place said independent claim into condition for allowance.

6. In regards to claims 11-12, 17, and 23, the amendment made to claim 11 places said claims in condition for allowance.

Claim Rejections – 35 USC § 103

7. Applicant acknowledges the quotation of 35 U.S.C. § 103(a).
8. Claims 13-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirota. Reconsideration and withdrawal of this ground of rejection is requested because said claims depend from claim 11, currently amended.
9. In regard to claim 13, Applicant relies upon dependence of said claim from allowable claim 11.
10. In further regard to claim 13, Applicant acknowledges that Hirota discloses a flow sensing means that measures flow rate, closes a valve, and turns off the electrolyzer in low flow conditions.
11. In regard to claim 14, Applicant acknowledges that Hirota discloses an inlet below the electrolyzer but does not disclose a check valve in the claimed location.
12. Applicant acknowledges that Hirota discloses a check valve upstream of the electrolyzer.
13. Claims 15-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hirota in view of Lee and further in view of Sweeney.
14. In regard to claim 15, Applicant believes that Hirota's use of a pump teaches away from a drop-by-drop regulating chamber. Claim 15 is allowable as a matter of law upon allowance of claim 11, currently amended.
15. In regard to the claimed S-shape, Applicant acknowledges that Hirota neither teaches nor suggests such a shape.
16. Applicant makes no independent claim to having invented an S-shaped piping.
17. Applicant acknowledges that Hirota does not teach an inlet at the top of the electrolytic chamber or a vacuum breaker near the inlet.
18. Applicant makes no independent claim to having invented a vacuum breaker.
19. Claim 24 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hirota in view of Bradley.
20. Applicant acknowledges that Hirota discloses a tank reservoir but does not teach the claimed lid or apertures.
21. The Office therefore cites Bradley as disclosing a cleaning tank having a lid with an aperture and contends that it would have been obvious to add a lid with anti-splash apertures to Hirota. This finding of the Office is respectfully traversed because only Applicant discloses a

double lid in the context of a cleaning tank. Claim 24 is allowable as a matter of law upon allowance of claim 11 from which it depends.

Allowable Subject Matter

22. Claims 18-22 are indicated as being in condition for allowance if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claim 18 is therefore canceled and independent claim 11 is amended to include the limitations of the base claim (claim 11) and all intervening claims (none) and is therefore now in condition for allowance.

23. Applicant acknowledges the Office's reasons for the indication of allowable subject matter and thanks the Office for its astute observation concerning Hirota's teaching away from the invention by not flushing the pH-reducing agent from the electrolytic cell into the main body of water.

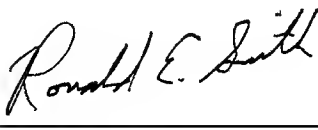
Conclusion

- 24. Applicant acknowledges the contact information of the Office.
- 25. Applicant acknowledges the contact information of the supervisor's office.
- 26. Applicant acknowledges the information concerning the PAIR system.

If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (813) 925-8505 is requested. Applicant thanks the Office for its careful examination of this important patent application.

Very respectfully,

SMITH & HOPEN

By: 

Dated: August 4, 2008

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CERTIFICATE OF ELECTRONIC TRANSMISSION

(37 C.F.R. 2.190(b))

I HEREBY CERTIFY that this Amendment E, including Introductory Comments, Amendments to the Claims, and Remarks, is being electronically transmitted to the United States Patent and Trademark Office through EFS Web on August 4, 2008.

/jessica powell/

Dated: August 4, 2008

Jessica Powell